



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,144	01/11/2002	Ken Wilson	RENI-F80	3967
22848	7590	03/08/2005	EXAMINER	
STEINS & ASSOCIATES 2333 CAMINO DEL RIO SOUTH SUITE 120 SAN DIEGO, CA 92108			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,144

Applicant(s)

WILSON ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3618

Statement Concerning Original Patent.

1. Applicant's statement regarding the inaccessibility of the original patent document is noted. This statement must be signed by a person who has been explicitly named as being empowered to act on behalf of the assignee. If the statement regarding inaccessibility is signed by the attorney of record, a statement by the assignee or officer thereof must specifically name that attorney as being empowered to so act.

Litigation

2. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patents No. 6,273,440 and/or 6,203,037 is or was (are or were) involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

Withdrawal of Allowable Subject Matter

3. The previously indicated allowability of claims 1-13 is withdrawn in view of the reference to Brooks et al., newly cited. The examiner apologizes for any inconvenience associated with the withdrawal of allowable subject matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 5,513,865) in view of Mayr (US 5,249,819). Brooks et al. teach a

Art Unit: 3618

skateboard having a board portion (14) which may be made from aluminum (col. 4, line 67), and which includes a front end, rear end, and sides, and which may accommodate a user's feet in a side-to-side position (i.e., a standard skate-board riding configuration), including front and rear ends having an arcuate shape, the front and rear ends being both turned upwardly, the board further provided with truck and wheel assemblies (10). The reference to Brooks et al. fails to specifically teach that the aluminum has been extruded, however extrusion is very old and very well known for the production of stock materials having indeterminate lengths, and being of finite width and height, and it would have been obvious to use an extruded aluminum to make the board of Brooks et al. for the purpose of employing an inexpensively available material. The reference to Brooks et al. fail to teach the provision of cavities at least one of which having a height and width, wherein the width is greater than the height. Mayr teaches a gliding board construction including a plurality of cavity elements (see, e.g., figures 2-7) which may have a width which is greater than a height thereof (note figure 6), wherein the cavity sections are taught to allow control of torsional stiffness (see col. 1, lines 41-46 and 54-56), and wherein further the cavity sections may be made of an extruded material (col. 2, lines 16-21). It would have been obvious to one of ordinary skill in the art to provide the board of Brooks et al. with at least one cavity as taught by Mayr in the board profile, for the purpose of reducing the overall board weight while retaining a substantial degree of torsional stiffness, thus allowing a lightweight but strong board structure.

As regards claims 8 and 9, the references fail to provide specific force-to-deflection characteristics, however it is very well known to adjust cross sections of elements to obtain different stress-strain characteristics, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to select the material characteristics, for example thickness, of the board, such that deflection is limited under particular loadings, for the purpose of tuning the board by stiffening it.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Mayr and Joyce (US 3,374,495). The references to Brooks et al. and Mayr are discussed above and fail to teach the provision of plastic end guards at

Art Unit: 3618

the front and rear ends of the board. Joyce teaches a plastic end guard (11) that may be attached to arcuate ends (10, 22) of a gliding vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide end guards at each end of the board of Brooks et al. as modified by Mayr, for the purpose of protecting the board from minor collisions with other objects.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Mayr and Schorr (US 4,196,916). The references to Brooks et al. and Mayr are discussed above and fail to teach the board as having a concave profile. Schorr teaches a skateboard which may be made from a metal, and which has an upwardly concave profile (figures 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the board of Brooks et al. as modified by Mayr with an upwardly concave cross section as taught by Schorr for the purpose of allowing a rider's feet to be parallel to the riding surface, even while turning (see Schorr, col. 2, lines 56-63).

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Mayr and Le Masson et al. (US 5,248,160). The references to Brooks et al. and Mayr are discussed above and fail to teach at least one cavity filled with a filler. Le Masson et al. teach a sports board having at least one continuous longitudinal cavity which is filled with a plastic foam material (31, see col. 2, line 67 through col. 3, line 2.). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one of the cavities of the board of Brooks et al. as modified by Mayr with a filler in the form of a plastic foam as taught by LeMasson et al., for the purpose of damping vibrations in the board, providing a more even ride.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3618

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327
Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. VANAMAN
Primary Examiner
Art Unit 3618



2/28/05